

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

February 17, 2016

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Oath of Public Officers – Newly appointed members

Ms. Jeanne Kingsley -- T.C. Rep. – 1-year term to end 12/31/2016

Mr. Kevin Hall – replacement of unexpired term to end 12/31/2016

Mayor Woodruff administered the oath of office to Ms. Kingsley and Mr. Hall prior to the meeting.

Roll Call:

Members present were Mr. Einbinder, Mr. Woodruff, Mr. Hall, Mr. Graziano, Mr. Beal, Ms. Kingsley, Mr. Bocchino, Mr. Cunningham and Mr. Mangold. Mr. Willard, Board Attorney, and Thomas Solfaro, Board Engineer, were also present.

Adoption of Minutes:

January 6, 2016 Reorganization Meeting

January 6, 2016 Executive Session

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adopt the Minutes of the Reorganization Meeting of January 6, 2016 and the Executive Session of January 6, 2016 as presented. The voice vote was unanimous.

Application for Review:

App.P&F#1-15: Westminster Presbyterian Church, 725 Mountain Ave., Bl. 2006, L. 32

The property currently has a two-story church building and parking lot located on the Mountain Avenue frontage and a single family residence with a detached garage on the Plainfield Avenue frontage. The applicant is proposing to remove the existing residential dwelling and subdivide the property into five (5) lots: a 2.96 acre lot for church use and four (4) residential lots ranging in size from 0.45 to 0.97 acre. A short cul-de-sac, Westminster Court, approximately 380 feet long, will be constructed off of Plainfield Avenue to provide the required lot frontage for the four (4) new lots. (R-15 Zone)

Mr. Cunningham recused himself from this application as a member of the Westminster Presbyterian Church.

Anthony Rinaldo, attorney for the applicant, stated that the church is located at the intersection of Mountain Avenue and Plainfield Avenue and has approximately 75-80 members. In addition to church services there is also a school with approximately 90 students. The application is with regard to the 5.96 acres where the Church is located. The church is on approximately 2.96 acres of the property and they are asking to subdivide the remaining area into four lots that will be zoned for one family homes. The 2.96 acres includes the church building, parking lot and a one family home with garage which was formerly lived in by the church custodian but has been vacant for a number of years. The custodian home is proposed to be demolished. The proceeds of the sale of the building lots will be used for support of the church, maintenance and repairs of the fifty year old church building and modernization, enhancement and improvement of the property. The property contains 5.96 acres in the R15 zone where 15,000 square feet building lots are required. All the properties surrounding the site are zoned residential except for one lot on Plainfield Avenue that is zoned OL- Open Land. The four proposed residential lots range from .45 to .97 acres, all of which will be larger than the required 15,000 square feet. A lawn area of approximately 350' will be constructed for lot frontage.

William Hollows, engineer and planner, was sworn and accepted as an expert witness. Mr. Hollows presented Exhibit A-1 – existing conditions, and Exhibit A-2 – grading plan which shows the proposed conditions. Mr. Hollows indicated on the exhibits the location of the property in relation to Mountain Avenue and Plainfield Avenue with the egress and ingress on Mountain Avenue. There is no existing egress and ingress to the property from Plainfield Avenue. On Exhibit A-1 Mr. Hollows indicated the location of the church building, the school building, the parking lot, memorial garden, and the caretaker's house and garage. He also indicated the location of the walkway between the two areas, the residential areas around the property and the school to the east of the parking area.

On Exhibit A-2 Mr. Hollows indicated the proposed new cul-de-sac that will be approximately 180' long. He stated that the caretaker's house will be removed and replaced and four new houses will be added to the site. All of the proposed lots will conform to all of the bulk requirements. There is a variance required for coverage. The proposed lot coverage is 27.9% where 10% is permitted and building coverage permitted is 25% and the proposed coverage is 33.9%. The variance can be granted without substantial detriment to the public good.

Mr. Hollows further stated that the applicant has submitted an Environmental Impact Statement and a drainage plan. The drainage system has been designed to comply with all regulations. There will be a swale along the roadway to pick up water from the church property and it will be collected in an inlet and piped out to Plainfield Avenue. There is also a system of dry wells that has been designed to deal with the water from the road. The houses themselves would have dry well systems for roofs and driveways that will all comply with DEP regulations. The soil appears to be suitable but perk testing will be required. The system will be redesigned if the tests show that the soil is not suitable.

With regard to the Neglia report, Mr. Hollows stated that he has reviewed the report, met with Mr. Solfero and he does not believe there are any items that cannot be complied with. The applicant will comply with all the suggestions and requirements of the Neglia report.

In response to questions from the Board, Mr. Hollows stated that the maintenance of the drainage system can be done by a homeowners association and there would also be a maintenance manual submitted for approval. The maintenance is usually done annually. It would be a condition of approval that a homeowners association be formed and the association will be responsible for the maintenance. If it is not done there is legal recourse for the town.

With regard to the line of sight issue, Mr. Hollows stated that they have to do a detailed survey of the area along Plainfield Avenue going towards the intersection and some grading to provide sight distance coming out of the new roadway. After they see what kind of obstructions exist they will approach the homeowners regarding easements. There are no structures but there may be some shrubs or trees that would obstruct the view. There are no existing agreements with the homeowners at this time.

Mr. Rinaldo advised that the applicant is not developing the property; they intend to sell it to a developer. This is just a preliminary approval and the developer will have to come in for final approval and address all issues.

Mr. Einbinder noted that approval of this application will just give the applicant the ability to subdivide the property into five lots with a cul-de-sac with egress and ingress

from Plainfield Avenue. More complete plans will be required for actual building of the homes.

Open to Public

The meeting was opened to the public for questions with regard to Mr. Hollows' testimony.

Members of the public including Carolyn Shelhorn, Beverly Sonnenberg, Jerry Barter, Ed Dalton and Alberto Castillo raised questions with respect to the drainage plan, the storm sewers proposed for the cul-de-sac, the existing storm sewers in the area, the plans for removal of trees that are currently absorbing water, dangerous icing that might occur with additional water on Plainfield Avenue, proximity of the proposed new road to a perilous intersection, existing water run off problems experienced on Hamilton Terrace, how the dry wells will work, how they will be maintained, increase in mosquitos in the area as a result of the drainage system, existing water problems that are caused by the school property, water problems in the backyards of the Hamilton Terrace residents, the traffic study that needs to be done for this very dangerous intersection, the residents' recourse if the drainage system doesn't work, and existing and proposed sidewalks on Plainfield Avenue. It was suggested by the residents that the traffic study should be part of this process rather than the future process.

In response to questions and comments from members of the public, Mr. Hollows described the drainage system and explained how it will work. He stated that there are very stringent requirements for treatment of water and there will be less water run-off because the drainage system will intercept a fair amount of the water. A homeowners association will be formed and they will be responsible for maintenance of the drainage system. The drainage will be underground so there will not be any problem with mosquitos. If the perk tests show that the proposed drainage will not work then a new system will have to be designed. The traffic study has not yet been done.

Mr. Rinaldo asked Mrs. Sonnenberg and Mr. Barter about discussions they had with the church with regard to possible purchase of some of the church property. They both said they had been approached but were not interested in purchasing any property from the church.

Mr. Einbinder explained the purpose of the proceedings taking place at this hearing and that a potential developer of the property would be required to come before the Board with detailed plans for the development of the property including drainage. If there was an approval there would be a condition for maintenance of the drainage system. One of the requirements will be that the developer has to show that developing the property will

not increase the flow of water off the property. If the church sells the property an application has to be made to the Board and the Board will keep in mind the comments and suggestions made by the public. For now the Board is just being asked to approve the division of the land into five lots suitable for development.

Mr. Bocchino explained the process that would take place by the Township if a resident were to complain about maintenance of a drainage system.

Mr. Rinaldo stated that the applicant has agreed to conduct a traffic study that will be provided to the Union County Planning Board.

Mr. Graziano advised that the County will require curbing on the church's side of the road.

Mr. Hall noted that the police department has not commented on the safety of the proposal which he thinks is a major consideration.

Mr. Hollows stated that the whole area will be part of the traffic study and if the study is not done to County standards it will not be approved.

Mr. Hollows provided testimony as the applicant's planner. He stated that the required variances are for lot coverage on the remaining church property. The maximum other coverage allowed is 10% and the proposed is 27.9%; total impervious coverage permitted is 25% and 33.9% is proposed. The applicant is not proposing to build anything new; just proposing to improve part of the land. The lot coverage is a pre-existing condition and granting the variance will not impair the purposes of the zoning ordinance or the public good.

Open to Public

The meeting was opened to the public for questions with regard to Mr. Hollows' testimony.

Ed Dalton, 565 Hamilton Terrace, asked what square footage of the new houses will be.

Mr. Hollow said they will be pretty good size two story homes 60' wide and 30' deep.

Open to Public

The meeting was opened to the public for comments with regard to the application.

Bill Harrison, 539 Plainfield Avenue, was sworn, and asked if there are any plans to put curbing down the west side of Plainfield Avenue.

Mr. Graziano advised that curbing would be a Township request. The next time the County paves the road that might be considered.

Christine Castillo, 565 Plainfield Avenue, was sworn and stated that there are significant flooding issues in this area. There are trees in front of her lot that the applicant would have to remove to provide sight distance and she would not agree to that. Ms. Castillo asked how the height of the houses would be determined.

Mr. Solfaro advised that the height would be based on average grade.

Jerry Barter, 550 Plainfield Avenue, was sworn and stated that the property behind his house is densely wooded and that stops a tremendous amount of water. It looks to him like the plan is to put water into the ground which will raise the water table around the residents' homes. He asked that the Board take that into consideration. Mr. Barter also stated that the Environmental Commission mentioned an open space trust fund and if the church could take money from that fund and then rebuild the one house maybe that might meet their needs. Mr. Barter also asked when the perk tests will be done.

Mr. Rinaldo said he does not believe the church would be eligible for the open space fund.

Mr. Solfaro advised that the perk tests would be done in the proposed locations at the peak season when it is wet. He would not accept a report that was not done in wet conditions.

Beverly Sonnenberg was sworn and also asked about the open space trust fund that was mentioned by the Environmental Commission. Ms. Sonnenberg also stated the opinion that taking down trees will worsen the water problems. She also asked if the cul-de-sac will be large enough for emergency vehicles.

Mr. Einbinder stated that the applicant is not proposing to take any trees down as part of this application. He explained that the township ordinance requires a permit for removal of trees and for replacement of the trees. The Planning Board is very concerned about tree replacement and if an application for development comes before the Board that issue will be considered. At this point all the Board would be approving is the division of the property into five lots.

Lisa Poris, 546 Plainfield Avenue, was sworn, and stated that traffic is a major concern for the residents in this area and she cannot understand how this preliminary approval could be considered without the traffic study. She is also concerned about the removal of trees and the major flooding issues in the area. Ms. Poris suggested that the Township consider purchasing the property in order to provide for all-day kindergarten.

Carolyn Shelhorn, Hamilton Terrace, was sworn and stated that she thinks the application without the traffic study is the cart before the horse and that this new road will be a problem for a potential school bus stop.

The hearing was closed to the public on the motion of Mr. Einbinder, seconded by Mr. Woodruff and carried by unanimous voice vote.

Mr. Rinaldo requested that the Board consider the approval of the preliminary application subject to the conditions set forth in the record.

Mr. Solfaro advised that he is satisfied with the response to the Neglia report and there are no other open issues.

Board Comments

Mr. Graziano said he likes the application and noted that this will not be approved by the County unless the traffic study is satisfactory and shows that it can be done safely. The traffic study will include input from the police department.

Mr. Hall suggested that conditions of approval include a satisfactory report from the County and commentary from all of the Township emergency departments. The Board is being asked to approve adding a new street to the community and it is important to hear from those departments before considering it.

Mr. Beal said there are still many items that need to be ironed out before the Board can consider the application for approval.

Mr. Woodruff noted that the applicant is proceeding with the application at their own peril because of the traffic safety and water issues. Significant studies may result in the conclusion that the development cannot be done.

Mr. Einbinder suggested that if approval is granted it be conditioned on the approval of Union County and subject to the input from the Township emergency departments.

Discussion took place with regard to the application and whether or not it should be considered without a traffic study and without input from all the Township emergency departments. It was recommended that the hearing be continued to another meeting.

Mr. Rinaldo stated that the applicant has filed the application with the understanding that any approval is subject to Union County approval. He requested that the Board grant approval of the application with all the conditions discussed. Mr. Rinaldo stated that the applicant will start the traffic study tomorrow. He requested that the Board clarify that the next meeting will be for the purpose of hearing the emergency department reports and will not be opened for further public comment.

Mr. Einbinder stated that the Board will hear the reports and the applicant will have an opportunity to respond.

The hearing of the application was carried to March 16, 2016 with no further notice required.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:20 p.m.

Regina Giardina, Secretary Pro-Tem